

REMARKS/ARGUMENTS

In this Action, the Examiner rejected claims 1-12 under 35 U.S.C. §101 as directed to software per se. In response, applicants have amended claim 1 (now claim 7) to explicitly recite apparatus. Support for the amendment is found in the specification at, e.g., page 9, lines 18-19, page 16, lines 12-14, and page 25, lines 4-8. In view thereof, applicants request that the Section 101 rejection of claim 1 as amended and of claims 2-12 dependent therefrom be withdrawn.

The Examiner objected to claim 13 under 37 C.F.R. §1.75(c) as being in improper dependent form. In response, applicants have amended claim 13 to place it in independent form as requested by the Examiner, and have converted the multiple dependencies of claim 13 into new claims 14-25 dependent from claim 13. In view thereof, applicants request that the objection to claim 13 as amended be withdrawn.

The Examiner next rejected claims 1-6 and 11-13 under 35 U.S.C. §103(a) over U.S. patent no. 6,108,711 (Beck, et al.) in view of U.S. patent no. 6,470,227 (Rangachari, et al.), but indicated that claims 7-10 contain allowable subject matter. In response, applicants have placed claim 7 in independent form, canceled claim 1, and changed the dependencies of claims formerly dependent on claim 1 to claim 7. Applicants have amended claim 13 in like manner.

The Examiner characterized Beck, et al. as disclosing a contact layer (external media layer 83) that operates either according to directions received from a communications layer (workflow layer 83) “or in a default manner in an absence of the directions from the communications layer”. The Examiner is mistaken; there is no corresponding disclosure in Beck, et al. The Examiner referenced column 4, lines 8-10 of Beck, et al. as disclosing this feature. But this passage merely characterizes the multimedia

communication center of Beck, et al. as comprising an external media layer for managing media contact between the customers and business partners and the communication center. There is not one iota of disclosure in this passage of operations according to directions received from the workflow layer or in the absence thereof operating in a default manner:

Correspondingly, the Examiner characterized Beck, et al. as disclosing a communications layer (workflow layer 83) that operates, either according to directions received from a business layer (internal media layer 87) “or in a default manner in an absence of the directions from the business layer”. The Examiner is again mistaken; there is no corresponding disclosure in Beck, et al. The Examiner referenced column 6, lines 27-29 of Beck, et al. as disclosing this feature. But this passage merely states that intelligent routing may be performed at the network level with negotiation and direction from within this communication center. Again, there is not one iota of disclosure in this passage of operating according to directions received from the internal media layer or in the absence thereof operation in a default manner.

Nevertheless, since the Examiner accorded no significance to these recitations, applicants have extracted them from the independent claims and have instead placed them in dependent claims 25 and 26.

In view of the above amendments, applicants respectfully assert that claims 2-26 as amended are not rendered unpatentable by Beck, et al. and Rangachari, et al. Applicants therefore request that the Section 103(a) rejection of these claims as amended be withdrawn.

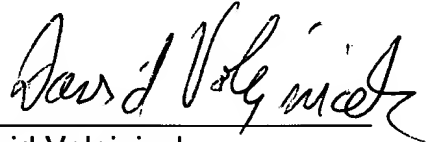
The Examiner's objection and rejections having been properly addressed, applicants believe that the application is now in condition for allowance. Applicants therefore request that the application be reconsidered and thereafter be passed to issue.

Applicants consider the foregoing to be dispositive of all issues in the application. But if the Examiner should deem that a telephone interview would advance prosecution, applicants request the Examiner to call their attorney at the telephone number listed below.

Respectfully submitted,

Frank J. Bogart
Camille Gabriel
Sarah Kiefhaber
Gary S. King
Rebecca K. Phelps

By



David Volejnicek
Corporate Counsel
Reg. No. 29355
303-538-4154

Date: _____

Avaya Inc.
Docket Administrator
307 Middletown-Lincroft Road
Room 1N-391
Lincroft, NJ 07738